IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 17212 of 2007(Y)

PETITIONER:

THE AYILAKKAD MUSLIM JUMA-ATH MAHALLU COMMITTEE, AYILAKKARA, EDAPPAL REP.BY ITS PRESIDENT, K.V.MUHAMMED HAJI.

BY ADV. SRI.V.K.BEERAN(SR)
SRI.V.P.REGHURAJ

RESPONDENTS:

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1. **THE TAHSILDAR, PONNANI TALUK, PONNANI, MALAPPURAM DISTRICT.**
2. **THE DISTRICT COLLECTOR, MALAPPURAM.**
3. **THE COMMISSIONER OF LAND REVENUE, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**
4. **STATE OF KERALA, REP.BY THE SECRETARY TO THE REVENUE DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007 ALONG WITH WPC.NO.17231 OF 2007 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.17212/2007 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER IN G2 3140/07/6 DTD. 2/06/2007 OF THE 1ST RESPONDENT.**

EXT.P2: **COPY OF THE REPRESENTATION DTD. 4/06/2007 SUBM ITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

S. SIRI JAGAN, J.

W.P.(C)NOs.17212,17231,
17372,18904 & 21080 OF 2007

DATED THIS THE 27th DAY OF JULY, 2007

JUDGMENT

W.P.(c)Nos.17231,18904 & 21080/07

The petitioner challenges proceedings under the Kerala Land Conservancy Act for eviction of the petitioner from the properties, which are the subject matter of these three writ petitions. In W.P.(c) No.18904/07 the petitioner has taken a contention that the petitioner has applied for a copy of the proceedings No.7429/1948 dated 18.11.1948 by which a 'patta' has been issued in respect of the property in question, which has not been issued to him and therefore, there may be a direction to the appropriate authority to issue a copy of the said 'pata' to him, and to stay further proceedings till the copy is issued to him.

2. I had directed the learned Government pleader to obtain instructions as to whether such 'patta' has been issued in favour of one Narayana Panicker as claimed by the petitioner. The learned Government pleader submits that there is no such 'patta', which is strongly disputed by the learned counsel for the petitioner. However, in view of the fact that I am satisfied that the petitioner has not been

afforded an opportunity of being heard to the petitioner as contemplated under the Kerala Land Conservancy Act, I feel it appropriate to direct the concerned Tahsildar to reconsider the matter after affording an opportunity of being heard to the petitioner, which shall include an opportunity to adduce evidence also. Such opportunity would also include opportunity to contest the contention of the respondents that there is no 'patta' in favour of one Narayana Panicker as per proceedings No.7429/1948 dated 18.11.1948. The petitioner may produce appropriate evidence to prove that there is such a 'patta' issued. In the above circumstances, Ext.P10 in W.P.(c)No.21080/07 is quashed.

These writ petitions are disposed of with a direction to the Tahsildar, Ponnani to reconsider the matter after affording an opportunity of being heard to the petitioner, which shall include an opportunity to adduce evidence also with respect to the matters referred to herein before me. Thereafter, the Tahsildar shall pass a speaking order dealing with the contentions of the petitioner. Such orders shall also deal with the contention of the petitioner regarding the existence or otherwise of the 'patta' referred to above. Till after 7days of communication of such order to the petitioner, the petitioner shall not be evicted from the property in question.

W.P.(c)Nos.17212,17372/2007

Although Writ Petition Nos.1721,17372/2007 are not posted today, both sides submit that those writ petitions also pertain to the same subject matter, and that these writ petitions can be disposed of together. Judgment in W.P.(c)Nos.17231,18904 & 21080/2007 will govern these writ petitions also.

S. SIRI JAGAN, JUDGE

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